IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7537 OF 2005

Sanjay Sitaram Khemka Applicant

versus

The State of Maharashtra & anr. Respondents

Applicant in person.

S.S.Tatkar, APP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd November 2005

PC :

1. The applicant has filed this application in person apprehending that he would be arrested pursuant to a non bailable warrant issued by the learned Magistrate presiding over 31st Court, Vikroli. The contention raised is that the applicant has been granted permanent exemption by this Court from appearance and reliance is placed on an order passed on 24th June 2005 in Criminal Application No.3874 of 2005. Indeed, this order grants permanent exemption in the sense the applicant is exempted from personal appearance in this particular case pending before the learned

Magistrate. All that is contended in the application is that on a particular date when the matter was fixed, the applicant had gone to attend the case which was being prosecuted in the Hon'ble Supreme Court of India. In these circumstances, he could not attend the Court and that is how a non bailable warrant came to be issued. Reliance is placed on some communication dated 4th October 2005. This communication pertains to some complaint which is not the subject matter of the order of exemption nor is it pending in the 31st Court, Vikroli. As far as 31st Court is concerned, reliance is placed on the Roznama and it is stated that non bailable warrant is pending against the accused. In my view, considering the fact that the order passed by this Court exempts him from personal appearance in this case, the applicant should approach the learned Judge for appropriate orders including recalling the issuance of non bailable warrant. Granting such liberty, present application is disposed of.

(S.C.DHARMADHIKARI, J.)